



**ZONING ADMINISTRATOR  
NOTICE OF DECISION**

**Date:** July 2, 2014  
**Applicant:** Explore Community Church  
**Case No.:** PCC-14-017  
**Address:** 251 Palomar Street, Suite A, Chula Vista, Ca.  
**A.P.N.:** 611-222-53-00  
**Project Planner:** Richard Zumwalt, A.I.C.P., Associate Planner

Notice is hereby given that on June 27, 2014, the Zoning Administrator considered a Conditional Use Permit (PCC-14-017) application filed by Filipponi Design on behalf of the Explore Community Church ("Applicant") to allow the establishment of a new church in the 3,370 square foot suite within a multi-tenant commercial building located in an existing shopping center at 251 Palomar Street ("Project Site). The project includes interior modifications of the building, and no exterior remodeling or expansion is proposed. The church sanctuary would hold 215 seats. Services would be held Wednesday evenings and all day on Sundays. The project requires 61 parking spaces, which are provided on-site and in an adjacent parking lot shared with the shopping center, which has a total of 213 parking spaces. The subject property is designated as Mixed Use Residential (MUR) in the General Plan and is zoned Central Commercial – Precise Plan (CCP). Churches proposed within an existing building are considered Unclassified Uses, which are temporary uses permitted in the CCP zone upon the issuance of an Administrative Conditional Use Permit.

The Director of Development Services has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project qualifies for a Class 1 Categorical Exemption pursuant to 15301 (Existing Facilities) of the State CEQA Guidelines. The proposed project consists of negligible or no expansion of an existing use. Thus, no further environmental review is necessary.

The Zoning Administrator, under the provisions of Section 19.14.030 A of the Chula Vista Municipal Code, has been able to make the following Conditional Use Permit findings as required by CVMC Section 19.14.080:

***That the proposed use at this location is necessary or desirable and will contribute to the general well being of the neighborhood or the community.***

This finding is met because the approval of this project will enable the applicant to use the project site to provide church facilities that would help to provide a higher level of religious services and spiritual guidance to the community, which are necessary and desirable services that will benefit the community.

The proposed use at this location is also necessary and desirable because the project site is located in a commercial area at the northeast corner of Third Avenue and Palomar Street in the South Third Avenue District, which is a convenient location to serve the surrounding residential areas to the east and west.

***That such use will not under the circumstances of the particular case be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.***

The project site is in a shopping center that provides adequate parking so that church attendees will not have to park in adjacent commercial or residential areas. Church-related activities will occur weeknights and weekends, and therefore church –generated traffic will not adversely affect operation of the adjacent businesses. The church-related activities will also occur indoors, which will minimize the potential for noise impacts to surrounding areas. The operation of the church and the internal remodeling of the suite will be subject to conditions of approval that will reduce any potential negative impacts to the adjacent commercial and residential areas.

***That the proposed use will comply with the regulations and conditions specified in the code for such use.***

Granting of this conditional use permit is conditioned to require the Applicant and Property Owner to fulfill the conditions of approval and to comply with all applicable regulations and standards specified in the Municipal Code for such use. These conditions will be enforced through inspections prior to occupancy of the use and subsequent to operation of the business. Furthermore, the conditions of this permit are approximately in proportion to the nature and extent of the impact created by the project in that the conditions imposed are directly related to, and of a nature and scope related to the size and impact of the project. The project will comply with all regulations and conditions specified in the Zoning Code for uses established under PCC-14-017.

***That the granting of this Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any government agency.***

The General Plan designates the site as Mixed Use Residential, which permits a variety of land uses, including churches. Churches are considered Unclassified Uses that are permitted in any zone, including the CC (Central Commercial) zoning for the site, upon approval of a Conditional Use Permit. The proposed Project has been conditioned to minimize all potential adverse impacts to the site and surrounding area. This finding is met because the operation of the Project, as approved by a Conditional Use Permit pursuant to the Chula Vista Municipal Code, is consistent with permitted land uses and will not adversely affect implementation of the General Plan.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit PCC-14-017 as described above, subject to the conditions listed below. The following conditions shall apply to the Project Site, and the Applicant or successor-in-interest shall satisfy these conditions prior to issuance of the first building permit for the project, or at the timeframe specified in the condition:

## DEVELOPMENT SERVICES DEPARTMENT

### Planning Division:

- A. The following conditions of approval shall be satisfied by the Applicant prior to issuance of the building permit for the project, or at the timeframe specified in the condition:
1. The Project Site shall be developed and maintained in accordance with the approved PCC-14-017 plans, which include the site plan submitted April 7, 2014 and floor plan submitted June 27, 2014, subject to the following conditions contained herein, and the Zoning Ordinance (Title 19).
  2. The Property Owner and Applicant or authorized representative shall execute this document by making a true copy of this Notice of Decision and signing both this original notice and the copy on the lines provided below, said execution indicating that the Property Owner and the Applicant have each read, understood and agreed to the conditions and land use operation modifications contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document prior to submittal for building permits to the Development Services Department shall indicate the Property Owner's and Applicant's desire that the project, and the corresponding application for building permits and/or a business license, be held in abeyance without approval.

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

3. Applicant shall obtain approval of a Sign Permit from the City for construction or modification of any proposed signs.

### Building Division:

Prior to use or occupancy of the building by the church, the Applicant shall obtain approval of a Building Permit showing compliance with the following conditions of approval:

4. The Building Permit shall comply with all applicable codes and requirements, including but not limited to the 2013 California Building Code (CBC) and Ca Handicapped Accessibility requirements, 2013 California Electrical Code, 2013 Fire Code, 2013 California Energy Code, and 2013 California Green Building Standards, as adopted and amended by the State of California and City of Chula Vista. Approval from the Planning, Engineering or Fire Department is required prior to permit issuance.

5. This project shall be designed by an Architect or Engineer licensed by the State of California. [California Business and Professional Code 5536.1, 6735].
6. Due to building occupancy and square footage a sprinkler system may be required. The sprinkler system shall be full NFPA 13. The building plans shall show if there is a separate “Fire Area” between tenant spaces.
7. The Building Plans shall include a Building Code Data Legend on the title (first) sheet of the plans. Include the following for tenant space and adjacent space, code information for each building or space proposed:
  - a. Occupancy Group classification, CBC Ch. 3
  - b. Type of Construction, CBC Ch. 6
  - c. Proposed and allowable Floor area, CBC Table 503
  - d. Proposed and allowable Number of Stories,
  - e. Proposed and allowable Building Height CBC 502.1
  - f. Provide calculation for Area and height increases
  - g. Mixed use Area Calculation for multiple occupancies
8. The Building Plans shall show that exterior walls have a fire-resistance rating per CBC T-601 & T-602. Exterior wall openings are limited and shall have fire protection rating per CBC Ch. 7.
9. The Building Plans shall show an additional toilet in the women’s bathroom and an additional urinal in the men’s bathroom.
10. The Building Plans shall show 2 hour fire rated separation between the assembly area and the business area.
11. The Building Plans shall show that the second exit from the assembly area will need to comply with the means of egress requirements, and provide a one hour corridor.
12. The Building Plans shall show disabled access, to all areas of the tenant space including means of egress, toilets, reception and the platform.

Engineering–Land Development Division:

The following conditions of approval shall be satisfied by the Applicant prior to issuance of the building permit, or at the timeframe specified in the condition:

13. The following fees will be required based on the Final Building Plans submitted. Fees are charged for the project only, in excess of current land use:
  - a. Traffic Signal Fees
  - b. Public Facilities Development Impact Fees (PFDIF)
  - c. Western Transportation Development Impact Fees (WTDIF)

- d. Other Engineering Fees as applicable per attached Master Fee Schedule.
14. Prior to obtaining any Building Permit for the Project, if project's total on-site improvements exceed Engineering Threshold of (currently: \$52,070.00), per CVMC, Section 12.24.020, then the applicant shall be required to obtain a Construction Permit from the Land Development Section of the Department of Development Services. (The On-Site Improvements Trigger for Installation of Public Improvements is adjusted on an annual basis on July 1 based on the Engineer Construction Cost Index, See Attachment). A Construction Permit is required to perform the following work in the City's right-of-way, which may include, but is not limited to:
- a. Removal and replacement of any broken or damaged curb, gutter, and sidewalk per SDRSD G-2, and G-7 along the project's frontage to the satisfaction of the City Engineer. Sidewalk shall be designed and constructed with proper transitions to existing conditions.
  - b. Removal and replacement of existing driveway(s) meeting design standards as shown in Chula Vista Construction Standard CVCS-1A. Current Driveway(s) shall be replaced, if it does not meet the City of Chula Vista Design Standards/ADA Standards, or if existing driveway is cracked or broken. Dedication of R/W as needed in order for driveway to comply with (American Disability Act) ADA requirements.
15. Any private facilities (if applicable) within Public right-of-way or City easement will require an Encroachment Permit prior to Improvement Plan or Building Permit approval.
16. All utilities serving the subject property and existing utilities located within or adjacent to the subject property shall be under grounded in accordance with the Chula Vista Municipal Code Section. Further, all new utilities serving the subject property shall be under grounded prior to the issuance of Building Permits.

#### **FIRE DEPARTMENT**

17. The applicant shall apply for the required building permits for the proposed commercial tenant improvement. Permits shall comply with applicable codes and requirements, including but not limited to: the current California edition of Building Code (CBC), Fire Code (CFC), Mechanical Code, and Residential Code as adopted and amended by the State of California and the City of Chula Vista.

#### **DEPARTMENT OF PUBLIC WORKS/ ENVIRONMENTAL SERVICES**

18. Prior to issuance of the building permit, submit Building Plans for review and approval by the City that provide a roof for the existing trash enclosure, in compliance with Recycling and Solid Waste Manual Sample Trash Enclosure.

- B. Upon certification by the Development Services Department for occupancy or establishment of the use allowed by this Conditional Use Permit, the following conditions shall apply:


**DEVELOPMENT SERVICES DEPARTMENT**

19. The hours of operation shall include the following:
  - a. Church services shall be held Wednesday evenings from 4:00 pm to 9:00 pm and Sundays from 7:00 am to 9:00 pm.
  - b. Church meetings shall be held Monday through Friday evenings 5 pm to 9 pm, Saturdays from 9 am to 9 pm, and Sundays from 7 am to 9 PM.
  - c. The church office shall operate Mon. - Fri. 8 am to 5 pm.
20. The capacity of church sanctuary shall be limited to 215 persons.
21. The Project shall operate with a minimum of 61 parking spaces at all times during church services.
22. Amplified sound, including church services, musical performances and rehearsals, shall be conducted indoors with all doors closed.
23. All activities shall be conducted indoors, except for special events upon issuance of a Special Event Permit approved pursuant to CVMC 19.58.380.
24. The maximum number of employees that can work on the project site at one time shall be ten.
25. The Project shall operate in compliance with the Performance Standards, CVMC Chapters 19.66 and Performance Standards and Noise Control, Chapter 19.68.
26. This Conditional Use Permit authorizes only the use specified in the application for PCC-14-017. Any new use, modification/expansion of use, or activities not authorized under this Conditional Use Permit shall be subject to the review and approval of the Zoning Administrator.
27. This permit shall expire five years after the date of approval, unless the applicant has previously applied for, or the Zoning Administrator has previously granted an extension of this Conditional Use Permit. The applicant is responsible for filing the application requesting an extension of the approved Conditional Use Permit, prior to expiration of the 5-year term. The Zoning Administrator shall review this Conditional Use Permit for compliance with the conditions of approval and shall determine, in consultation with the applicant, whether the project needs to be modified from its original approval as part of the extension approval.
28. This permit shall become void if not used or extended within three years of the effective date thereof in accordance with Section 19.14.260 of the Chula Vista

Municipal Code. Failure to comply with the any conditions of approval shall cause this permit to be reviewed by the City for additional conditions or revocation.

29. If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. The applicant or a successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.
30. The Applicant shall and does hereby agree to indemnify, protect, defend and hold harmless City, its Council members, officers, employees, agents and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorneys' fees (collectively, "liabilities") incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this conditional use permit, (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein. Applicant shall acknowledge their agreement to this provision by executing a copy of this conditional use permit where indicated, above. Applicant's compliance with this provision is an express condition of this conditional use permit and this provision shall be binding on any and all of Applicant's successors and assigns.
31. Approval of this Project shall not waive compliance with all sections of Title 19 of the Municipal Code, and all other applicable City Ordinances in effect at the time of approval of this Conditional Use Permit.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,  
CALIFORNIA, this 2nd day of July, 2014.

  
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Mary Ladiana,  
Zoning Administrator